



**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
JUNE 23, 2015**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, June 23, 2015, in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 6:00 p.m.

PRESENT: Councilor Evan Clark, John Hill, Kevin McKannan, Corey Sullivan and William Wiley; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)

ABSENT: Vice-President Milt McInturff (1)

MOMENT OF SILENCE – President Willingham led the citizens and councilors in a Moment of Silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – June 9, 2015 Regular Meeting and June 9, 2015 Work Session

Mayor Minor moved to approve the minutes as presented. *The motion was seconded by Councilor Wiley then unanimously approved 8/0.*

REPORT OF THE MAYOR – Mayor Minor stated it was just reported today that Kiplinger's Personal Finance Magazine has included Winchester in their list of the 10 Great Places to Retire. She stated there are also a lot of young people coming back to make Winchester their home which makes her think Winchester has the best of both worlds to offer.

REPORT OF THE CITY MANAGER – City Manager Eden Freeman stated staff is working closely with the Winchester Western Railroad on the possible replacement of their railroad crossing surface on Valley Avenue. This is the crossing just south of Jubal Early before getting to Cedar Creek. This is a much needed improvement and staff is hoping the railroad will be able to complete the improvements by the end of summer. Ms. Freeman stated the first Friday Night Live was successfully held last Friday with about 1,400 people enjoying the festivities despite the rain. Jennifer Bell, the Downtown Manager, conducted several noise level tests at various locations throughout the evening. Two different devices were used and not one time did the sound levels violate the City's current noise ordinance. The noise level testing will continue throughout the next two Friday Night Live events. Ms. Freeman announced the Winchester Police Department's Kids and Cops Camp is being held this week with 90

children between the ages of 9 and 12 participating. Wednesday, June 24th, will be the camp's Community Service Day where a food drive and car wash will be held in the parking lot of the Shawnee Fire and Rescue Station. The proceeds will benefit the Child Safe Center. Ms. Freeman stated the recent progress made on the National Avenue Gateway has been focused on rock excavation as part of the site grading. Unfortunately, the seam of limestone in that area is some of the hardest in the valley and has proven to be very difficult to remove. Ms. Freeman announced the paving on Maple Drive in Jim Barnett Park has been completed with the installation of a raised crosswalk where the Par Course trail crosses the road to help cut down on the raceway-like affect south of the War Memorial Building. She stated she drove through there last night and the Public Services crew is a phenomenal job.

REPORT OF THE CITY ATTORNEY – City Attorney Anthony Williams stated he had nothing to report.

1.0 PUBLIC HEARINGS

1.1 O-2015-12: Second Reading – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES FOR FISCAL YEAR 2015

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 6:04 p.m.

Vice-Mayor Veach moved to approve O-2015-12. The motion was seconded by Mayor Minor then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Absent
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

1.2 O-2015-13: Second Reading – AN ORDINANCE TO AMEND ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USES PROVISIONS OF IMPROVEMENT DONATION CENTERS. (Proposal will create a definition and district use provisions for Home Improvement Donations Centers.) TA-15-177

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 6:05 p.m.

Councilor Clark moved to approve O-2015-13. *The motion was seconded by Councilor Hill then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Absent
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

2.0 PUBLIC COMMENTS

Several representatives from AmeriCorp who have been working in partnership with Literacy Volunteers presented the results of their study showing there is an interest in the community for more literacy programs.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:09 p.m.

3.0 CONSENT AGENDA

3.1 O-2015-14: First Reading: AN ORDINANCE TO AMEND SECTION 2-157 OF THE WINCHESTER CITY CODE TO CLARIFY CREATION OF CHIEF FINANCIAL OFFICER AND DIRECTOR OF SUPPORT SERVICES

Councilor Wiley moved to approve the Consent Agenda as presented. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/0.*

4.0 AGENDA

4.1 Presentation and Overview of the Frederick-Winchester Service Authority

John Schroth, Chairman of the Frederick-Winchester Service Authority, and Jesse Moffett, Executive Director of the Frederick-Winchester Service Authority, presented an overview of the Authority's powers, Board of Directors, facilities and service area. Mr. Moffett explained that although the Authority owns the Opequon Water Reclamation Facility,

the City has operational and managerial control of the facility as stated in the 1987 agreement. The facility is currently undergoing a \$42 million Waste to Energy project with the goal of being removed from the electric grid and to reduce the operating costs.

Councilor McKannan asked what type of project it is. Mr. Moffett stated basically it is putting in anaerobic digestion. It takes the sludge and high strength waste in a measured formula and introduces it to digesters. The bugs in the digesters break down the waste and produce methane gas. The gas will be captured, cleaned and utilized to fire gas power generating units. This digestion will also reduce up to 60% of the sludge production which is one of the biggest costs. The project will save on electricity, reduce the amount of chemicals used, and reduce the sludge production.

Councilor Sullivan asked if the facility were to be expanded, who would approve the expansion. Mr. Schroth stated it would be the Commonwealth of Virginia because the Authority's permit is done through DEQ.

4.2 R-2015-26: Resolution – Authorize the issuance in an aggregate principal amount not to exceed \$132,700,000, by the Economic Development Authority of the City of Winchester of its Hospital Revenue Refunding Bonds (Valley Health System Obligated Group), Series 2015

Vice-Mayor Veach moved to approve R-2015-26. *The motion was seconded by Mayor Minor then approved by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Absent
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Abstain

As previously stated during the Work Session, President Willingham abstained as he is a Trustee on the Winchester Medical Center Board.

4.3 Motion to announce the receipt of the resignation of Commonwealth Attorney Alex Iden and direct the City Attorney to prepare a petition for a special election upon the occurrence of the vacancy

Councilor Clark moved to approve the announcement of the receipt and direction to the City Attorney. The motion was seconded by Councilor Wiley.

President Willingham asked Mr. Williams for an explanation of the process. Mr. Williams stated within 15 days of the vacancy, the City is required to file a petition for a special election or the City may file upon the receipt of the resignation. Because of the way the motion is drawn, he will be filing a Writ or Request for Special Election on July 1. The court will then determine whether or not a special election will be held on a date other than the general election, which is now scheduled for November of this year. In the past, they have scheduled the special election on the same day for economy purposes so not to retool the Voter Registrar's office more than necessary but it will be in the hands of the Court once the petition is filed.

The motion made by Councilor Clark was unanimously approved 8/0.

- 4.4 Announce** the resignation of Rick McClendon as the Shenandoah University Representative to the Old Town Development Board and direct the Clerk of Council to notify Shenandoah University of the vacancy

5.0 EXECUTIVE SESSION

President Willingham stated he would entertain a motion to add the discussion of an award of public contract to tonight's discussion. *The motion was made by Vice-Mayor Veach, seconded by Councilor Clark, and then unanimously approved 8/0.*

- 5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 2.2-3711(1)1 OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF EMPLOYMENT, ASSIGNMENT, PERFORMANCE AND APPOINTMENT OF SPECIFIC PUBLIC OFFICERS, APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER AND PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO SECTION 2.2-3711(A) 29 FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF THE AWARD OF A PUBLIC CONTRACT INVOLVING THE EXPENDITURES OF PUBLIC FUNDS, INCLUDING INTERVIEWS OF BIDDERS OR OFFERORS, AND DISCUSSION OF THE TERMS OR SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY.**

Councilor Wiley moved to convene into Executive Session at 6:30 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

Councilor Sullivan moved to reconvene in open session at 7:56 p.m. *The motion was seconded by Councilor Wiley then unanimously approved 8/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Absent
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

6.0 ADJOURNMENT

Councilor Clark moved to adjourn the meeting at 7:56 p.m. *The motion was seconded by Councilor Wiley then unanimously approved 8/0.*

Kari J. Van Diest, CMC
Deputy Clerk of Council